UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

ALEXANDER ROY GIFFORD, Plaintiff, vs. **DONALD J. TRUMP,** Defendant.	2:21-MC-50013-TGB **ORDER DENYING PERMISSION TO APPEAL IN FORMA PAUPERIS**

This Court dismissed Plaintiff's Complaint because he is an enjoined filer on January 19, 2021. ECF No. 4. Plaintiff has now filed an application to appeal in forma pauperis ("IFP"). Federal Rule of Appellate Procedure 24(a)(1) provides that a party in a civil action "who desires to appeal in forma pauperis must file a motion in the district court." In addition, Rule 24(a)(2) states that "[i]f the district court grants the motion, the party may proceed on appeal without prepaying or giving security for fees and costs, unless a statute provides otherwise." Fed. R. App. P. 24(a)(2).

However, 28 U.S.C. § 1915(a)(3) provides that "[a]n appeal may not be taken in forma pauperis if the trial court certifies in writing that it is

not taken in good faith." *See also Foster v. Ludwick*, 208 F.Supp.2d 750, 764-65 (E.D. Mich.2002). "Good faith" requires a showing that the issues raised are not frivolous; it does not require a showing of probable success on the merits. *Foster*, 208 F. Supp. 2d at 765.

The Court has reviewed the instant application, and Plaintiff's financial status enables him to proceed in forma pauperis. ECF No. 6. However, the Court finds that any appeal by Plaintiff would not be taken in good faith because the issues raised are frivolous and "[lack] an arguable basis either in law or in fact." *Shepard v. Morvzin*, No. 16-3236, 2016 WL 10592246, at *1 (6th Cir. Dec. 9, 2016). There is no question that Mr. Gifford is an enjoined filer. *See* Case No. 20-CV-13187, ECF No. 5. Additionally, there is no "basis in law" for his underlying claims even if he could pursue them Accordingly, the application to proceed in forma pauperis on appeal is **DENIED**.

SO ORDERED, this 31st day of March, 2021.

BY THE COURT:

s/Terrence G. Berg
TERRENCE G. BERG
UNITED STATES DISTRICT JUDGE